



Docket No.: C1037.70048US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.
Serial No.: 10/644,052
Confirmation No.: 4791
Filed: August 19, 2003
For: IMMUNOSTIMULATORY NUCLEIC ACIDS
Examiner: Nina A. Archie
Art Unit: 1645

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 25, 2006


Alan W. Steele, M.D., Ph.D., Registration No. 45,128

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice to Comply"), dated September 25, 2006. Applicant submits its response herewith within the one-month period for response set to expire on October 25, 2006.

The U.S. Patent and Trademark Office has taken the position that the previous "Sequence Listing" did not comply with the requirements of Section 1.824 for reasons stated in the Notice to Comply. Submitted herewith in connection with the above-referenced patent application is a Substitute Sequence Listing and a computer readable form (CRF) thereof that correct the defects

noted by the examiner in the Notice to Comply. No new matter has been added to the Substitute Sequence Listing.

Respectfully submitted,

By 

Alan W. Steele, M.D., Ph.D.

Registration No.: 45,128

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

(617) 646-8000

Dated: October 25, 2006



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10644052

EXAMINER

Nina A. Archie

ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

The application contains variable sequences. The applicant should disclose the whole sequence for sequence ID NOs. 296, 301, 315, 311-312.

The applicant should disclose the whole sequence for each sequence; sequence ID NOs. 311-312. The applicant cannot have X as an identifier for C, G, or phosphorothioate for sequence ID NO. 18 and claim 99. X is specific for a 3-(3-amino-3-carboxy-propyl)uridine,(acp3)u (See MPEP 2400 Table 2 List of Modified Nucleotides). Applicant should disclose longest sequence for claims 96-99 because the sequence is between 0-20 nucleotides.

The applicant should disclose the longest sequence for all sequence ID NOs. 296, 301, 315, 311-312, 18, 96, 97, 98, and 99. Applicant should also indicate in the appropriate field code what is deleted and include what residues can be absent.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina Archie whose telephone number is (571) 272-9938.

Patricia A. Duffy
PATRICIA A. DUFFY
PRIMARY EXAMINER



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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 25th day of October, 2006.


Alan W. Steele, Reg. No. 45,128

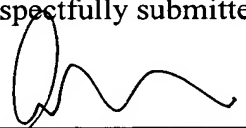
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT UNDER 37 C.F.R. §§ 1.821(f), 1.825(a), AND 1.825 (b)

This statement is made pursuant to 37 C.F.R. §§ 1.821(f), 1.825(a), and 1.825(b). Applicant's attorney encloses herewith a substitute copy of the sequence listing and a computer readable form of the substitute sequence listing. Applicant's attorney states that the information recorded in the computer readable form is identical to the written substitute sequence listing and that the substitute sequence listing contains no new matter.

Respectfully submitted,


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Telephone: (617) 646-8000

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